

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PHEDREK T. DAVIS
Petitioner,

v.

JERRY LESTER
Respondent.

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No. 3:11-0613
Judge Campbell

O R D E R

Presently before the Court is petitioner's "Motion for Stay and Abeyance" (Docket Entry No.14).

It has long been held that a state prisoner's federal habeas corpus petition should be dismissed if the prisoner has not yet exhausted all available state court remedies for each and every claim in his petition. Coleman v. Thompson, 111 S.Ct. 2546, 2554 (1991). This does not, however, limit the discretion of the district court to hold a habeas corpus petition in abeyance where to do so would be appropriate. Brewer v. Johnson, 139 F.3d 491, 493 (5th Cir. 1998); see also, Tran v. Bell, 145 F.Supp.2d 939, 941-942 (W.D. Tenn. 2001).

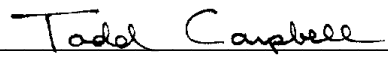
In this case, the petitioner is attempting to fully exhaust state court remedies before the Court rules on his federal habeas corpus claims. It appears that the interests of judicial economy and timeliness would best be served by holding the instant action

in abeyance rather than dismissing it now without prejudice. Moreover, petitioner's motion to hold this action in abeyance has not been opposed by the respondent.

Accordingly, petitioner's "Motion for Stay and Abeyance" is hereby GRANTED. The petitioner is directed to notify the Court promptly of any final disposition rendered by the state courts on his petition for writ of error coram nobis.

The Clerk is directed to close this file administratively. The file may be reopened upon motion of any party.

It is so ORDERED.



Todd Campbell
United States Magistrate Judge